IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4551 OF 2004

Mr. Tulsiram Jagannath Rodge .. Petitioner

Vs.

Rajaram Jagannath Rodge & Ors. .. Respondents

Mr. Nitin Vatkar i/by Mr. Gautam Hirnandani for petitioner.

Mr. R.S. Datar and Mr. M.B. Patil for respondent nos.1 to 6.

CORAM: B.H. MARLAPALLE, J.

Date : June 22, 2006.

P.C.:

1. Heard the learned counsel for the petitioner who is the plaintiff in R.C.S. No.319 of 2003. In the said suit the application for temporary injunction filed below Exh.5 came to be rejected by the learned 4th Joint Civil Judge, Jr. Division at Pune on 3/5/2003. The plaintiff-petitioner, therefore, filed Misc. Civil Appeal No.165 of 2003 and the learned IIIrd Extra Joint District Judge at Pune was pleased to dismiss the said appeal on 20/3/2004. Thus, right from the time the suit was filed there is no

injunction operating in favour of the petitioner or at least from 3/5/2003.

2. It will be, therefore, appropriate that in these circumstances the trial of the pending suit is expedited and in any case the parties to the suit are members of the same family and nothing stops them from arriving at a compromise outside the court.

3. The petition is, therefore, rejected summarily and trial of the suit i.e. RCS No.319 of 2003 is hereby expedited.

(B.H. Marlapalle,J.)